

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - PR&RD Department – Sri K. Bhagavantha Rao, formerly Executive Engineer, P.R. Division, Jagitial, Karimnagar District (Presently working as Executive Engineer, PR (PIU) Division, Eluru, West Godavari District) - Departmental proceedings under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Articles of charge – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.IA) DEPARTMENT

G.O.Rt.No. 1072

Date:21-07-2010.

ORDER:

It is proposed to hold an enquiry against Sri K. Bhagavantha Rao, formerly Executive Engineer, P.R. Division, Jagitial, Karimnagar District (Presently working as Executive Engineer, PR (PIU) Division, Eluru, West Godavari District) in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-II and III).

3. Sri K. Bhagavantha Rao, formerly Executive Engineer, P.R. Division, Jagitial, Karimnagar District (Presently working as Executive Engineer, PR (PIU) Division, Eluru, West Godavari District) is directed to submit within (10) days of the receipt of this order, a written statement of his defence.

4. Sri K. Bhagavantha Rao, formerly Executive Engineer, P.R. Division, Jagitial, Karimnagar District (Presently working as Executive Engineer, PR (PIU) Division, Eluru, West Godavari District) is informed that an enquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri K. Bhagavantha Rao, formerly Executive Engineer, P.R. Division, Jagitial, Karimnagar District (Presently working as Executive Engineer, PR (PIU) Division, Eluru, West Godavari District) is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex parte.

6. Attention of Sri K. Bhagavantha Rao, formerly Executive Engineer, P.R. Division, Jagitial, Karimnagar District (Presently working as Executive Engineer, PR (PIU) Division, Eluru, West Godavari District) is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri K. Bhagavantha Rao, formerly Executive Engineer, P.R. Division, Jagitial, Karimnagar District (Presently working as Executive Engineer, PR (PIU) Division, Eluru, West Godavari District) is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of the Memorandum be acknowledged.
(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.V.P.C. SASTRY

SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

Sri K. Bhagavantha Rao, formerly Executive Engineer, P.R. Division, Jagitial, Karimnagar District (Presently working as Executive Engineer, PR (PIU) Division, Eluru, West Godavari District) through the Engineer-in-Chief, PR, Hyderabad.

The Engineer-in-Chief, PR, Hyderabad (in duplicate with a request to serve and return the dated acknowledgement copy).

Copy to:

The PR&RD (Estt.I) Department.

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI K. BHAGAVANTHA RAO, FORMERLY EXECUTIVE ENGINEER, P.R. DIVISION, JAGITIAL, KARIMNAGAR DISTRICT (PRESENTLY WORKING AS EXECUTIVE ENGINEER, PR (PIU) DIVISION, ELURU, WEST GODAVARI DISTRICT)

CHARGE:

That the said Sri K. Bhagavantha Rao, while he was working as Executive Engineer, P.R. Division, Jagitlal, has committed certain irregularities in execution of work "Road from Itikyal to Mootapalli" in Raikal (M). He allowed and recommended payment for measurements recorded with ante dates to facilitate the contractor to claim price escalation after completion of work.

Further, due to deficiency in B.T. and over size in 40-45mm metal, an amount of Rs.24,314/- (Rs. 8,622/- + Rs.15,692/-) needs recovery.

BASIS:

As verified by the Vigilance & Enforcement officials, the work "Road from Itikyal to Mootapalli" was taken up under NABARD RIDF for Rs.81.00 lakhs and entrusted to Sri Y. Rajeswar Reddy, Jagitlal, for Rs.57.33 lakhs at an (+) 2.89% excess over the estimate contract value (ECV) with completion date as 26.01.2007. Extension of Agreement Time was sanctioned upto 29.01.2008 as on the date of inspection on 17.07.2008. The work was completed within the EOAT period.

As verified from the M. Books, the measurements were recorded within the EOAT period i.e. 29.01.08. But the bills from LS C.C. III rd and part bill to VIth part and bill were released on 26.03.07, 04.05.07, 03.07.07 and 05.05.08. Had the measurements actually been recorded for finished items i.e. WBM Gr.II and Gr.III and OGPC prior to 26.03.07, the same had to be incorporated for payment in the subsequent immediate bill i.e. LSCC IIIrd and part bill on 26.03.07. But the measurements were included upto VIth and part bill which was released on 05.05.08 after 1 year and 3 months, which indicates that the measurements were recorded with back dates. Further no agency will wait for payment after completion of work for such a long period when the LOC is available.

In fact, the work should not be recorded and check measured in M.Book until the work is executed as per specifications and satisfied by the Engineer-in-charge. Also any rectifications shall be taken up by the concerned contractor at his cost within the defect liability period. Even though the measurements were recorded prior to agreement dates/EOAT and there was no paucity of funds, the same were not incorporated in the immediate subsequent bills for payment which indicates that the measurements were recorded with back dates to facilitate price escalation claims for the contractors.

In fact the D.O. check measured the work executed to his satisfaction as per the agreement conditions and should have insisted the Sub Divisional Officer for incorporating the completed work in the immediate bills after scrutiny in his office.

This clearly indicates that the Delinquent Officer allowed and recommended payment for measurements recorded with ante dates to facilitate the contractor for benefits.

Further, as per the tests conducted on Bitumen and metal, deficiency in Bitument content in the reach from KM 1/0 to 2/0 and over size in 40-45mm metal in reach from KM 1/0 to 2/0 and 3/0 to 4/0 for which a total amount of Rs.24,314/- paid excess than the work actually executed resulting which the work was executed with less quality and the amount is to be recovered.

Hence, the charge.

M.V.P.C. SASTRY
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-II

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI K. BHAGAVANTHA RAO, FORMERLY EXECUTIVE ENGINEER, P.R. DIVISION, JAGITIAL, KARIMNAGAR DISTRICT (PRESENTLY WORKING AS EXECUTIVE ENGINEER, PR (PIU) DIVISION, ELURU, WEST GODAVARI DISTRICT) ARE PROPOSED TO BE SUSTAINED

Vigilance Report No. 25(1520/V&E/E2/2007), Dt.: 22.03.2010 of the Director General, Genl. Admn. (V&E) Dept.

M.V.P.C. SASTRY
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-III

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED AGAINST SRI K. BHAGAVANTHA RAO, FORMERLY EXECUTIVE ENGINEER, P.R. DIVISION, JAGITIAL, KARIMNAGAR DISTRICT (PRESENTLY WORKING AS EXECUTIVE ENGINEER, PR (PIU) DIVISION, ELURU, WEST GODAVARI DISTRICT) ARE PROPOSED TO BE SUSTAINED

- NIL -

M.V.P.C. SASTRY
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED BY ORDER//

SECTION OFFICER